

5

## REMARKS

This application has been carefully reviewed in light of the Office Action of June 24, 2005 wherein:

- 10 A. Claims 1-2, 12-13, and 23-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Bofill et al. (Blind Separation of More Sources than Mixtures Using Sparsity of their Short-Time Fourier Transform), herein referred to as the “Bofill reference;”
- 15 B. Claims 34, 36, 38, 40, 42 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Bofill reference in view of Sahlin et al. (The Asymptotic Cramer-Rao Lower Bound for Blind Signal Separation), herein referred to as the “Sahlin reference;” and
- 20 C. Claims 3, 5, 7-11, 14, 16, 18-22, 25, 27, 29-33, 35, 37, 39, 41, 43, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

### Claim Amendments

25 The Applicants have cancelled Claims 1 and 2. The Applicants have amended Claims 3 and 5 to include the limitations from Claims 1 and 2 from which they depended.

The Applicants have amended Claim 7 to change the dependency of Claim 7 from cancelled Claim 1 to Claim 3.

30 The Applicants have cancelled Claims 12 and 13. The Applicants have amended Claims 14 and 16 to include the limitations from Claims 12 and 13 from which they depended.

The Applicants have amended Claim 18 to change the dependency of Claim 18 from cancelled Claim 12 to Claim 14.

5           The Applicants have cancelled Claims 23 and 24. The Applicants have amended Claims 25 and 27 to include the limitations from Claims 23 and 24 from which they depended.

          The Applicants have amended Claim 29 to change the dependency of Claim 29 from cancelled Claim 25 to Claim 23.

10           The Applicants have cancelled Claim 34. The Applicants have amended Claim 35 to include the limitations from Claim 34.

          The Applicants have cancelled Claim 36. The Applicants have amended Claim 37 to include the limitations from Claim 36.

15           The Applicants have cancelled Claim 38. The Applicants have amended Claim 39 to include the limitations from Claim 38.

          The Applicants have cancelled Claim 40. The Applicants have amended Claim 41 to include the limitations from Claim 40.

          The Applicants have cancelled Claim 42. The Applicants have amended Claim 43 to include the limitations from Claim 42.

20           The Applicants have cancelled Claim 44. The Applicants have amended Claim 45 to include the limitations from Claim 44.

          The Applicants have added new Claims 46-60. New Claims 46-50 include the same limitations presented in Claims 7-11. Claims 46-50 depend directly, or indirectly on Claim 5, while Claims 7-11 depend directly, or indirectly, on Claim 3.

25           No new subject matter has been added. These new claims are necessitated by the canceling of independent Claim 1. New Claims 51-55 include the same limitations presented in Claims 18-22. Claims 51-55 depend directly, or indirectly on Claim 16, while Claims 18-22 depend directly, or indirectly, on Claim 14. No new subject matter has been added. These new claims are necessitated by the canceling of

30           independent Claim 12. New Claims 56-60 include the same limitations presented in Claims 29-33. Claims 56-60 depend directly, or indirectly on Claim 27, while Claims 29-33 depend directly, or indirectly, on Claim 25. No new subject matter has been added. These new claims are necessitated by the canceling of independent Claim 23.

5           The initial application had 6 independent claims and 45 total claims. The application as amended herein has 12 independent claims and 42 total claims. Therefore, excess claim fees are due.

10 Claim Rejections – 35 U.S.C. §102

A. Claims 1-2, 12-13, and 23-24 are rejected under 35 USC §102(e) as being anticipated by *Blind Separation of More Sources Than Mixtures Using Sparsity of Their Short-time Fourier Transform* by Bofill et al., herein referred to as the “Bofill reference.”

As mentioned above, the Applicants cancel Claims 1-2, 12-13, and 23-24. The Applicants rewrite Claims 3, 5, 14, 16, 25 and 27 to include the limitations of the claims from which these claims depended. Therefore, the Applicants respectfully submit that the Examiner's rejection under 35 USC 102 has been overcome.

20 C. Claims 34, 36, 38, 40, 42, and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Bofill reference in view of Sahlin et al. (The Asymptotic Cramer-Rao Lower Bound for Blind Signal Separation), herein referred to as the “Sahlin reference.”

As mentioned above, the Applicants cancel Claims 34, 36, 38, 40, 42 and 44. The Applicants rewrite Claims 35, 37, 39, 41, 43 and 45 to include the limitations of the claims from which these claims depended. Therefore, the Applicants respectfully submit that the Examiner's rejection under 35 USC 103 has been overcome.

30	<u>Allowable Subject Matter</u>
----	---------------------------------

G. Claims 3, 5, 7-11, 14, 16, 18-22, 25, 27, 29-33, 35, 37, 39, 41, 43, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

5           The Applicants thank the Examiner for his acknowledgement that Claims 3, 5, 7-11, 14, 16, 18-22, 25, 27, 29-33, 35, 37, 39, 41, 43, and 45 contain patentable subject matter. Further, the Applicants submit that Claims 3, 5, 14, 16, 25, 27, 35, 37, 39, 41, 43 and 45 are rewritten in independent form including all the limitations of the base claim and any intervening claims. Therefore, the Applicants submit that 3, 5, 14, 16, 10 25, 27, 35, 37, 39, 41, 43 and 45 are in order for allowance. Further, the Applicants submit that Claims 7-11, 18-22, 29-33 and 46-60 are also in order for allowance as they are dependent upon allowable base claims.

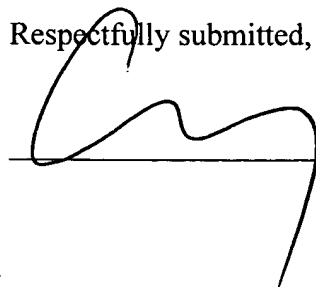
**Concluding Remarks:**

15           The Applicant respectfully submits that in light of the above comments and remarks, pending Claims 3, 5, 7-11, 14, 16, 19-22, 25, 27, 29-33, 35, 37, 39, 43, 45-60 are now in allowable condition. The Applicant thus respectfully requests timely allowance of all of the pending claims.

20           In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicant or Applicant's representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

25           The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of 30 the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

35 A handwritten signature in black ink, consisting of a large, stylized 'C' or 'G' shape followed by a horizontal line and a long, sweeping tail that extends downwards and to the right.

5

Cary Tope-McKay

Registration No. 41,350

Tel.: (310) 589-8158